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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 10/607,957             | MACE, CHAD HAROLD   |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | TUAN V. NGUYEN         | 3731                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 6/3/08 and interview on 9/18/08.
2. ☒ The allowed claim(s) is/are 7-10, 12-20 and 38-63.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date ____</li> <li>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5. <input type="checkbox"/> Notice of Informal Patent Application</li> <li>6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date <u>attachment</u> .</li> <li>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</li> <li>8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9. <input type="checkbox"/> Other ____.</li> </ol> |
|---|--|

/T. V. N./  
Examiner, Art Unit 3731

/Todd E Manahan/  
Supervisory Patent Examiner, Art Unit 3731

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Edward J. Baba (Reg. No. 52,581) on September 18, 2008.

2. Mr. Edward J. Baba indicated that the Director is authorized to charge fees for new claims, 38-63, to Deposit Account No 500815.

3. Claims 1-6 and 11 have been canceled.

4. Claim 7, line 8, insert “, wherein each of said first and second spring arms is independently transformable between an energized state and a de-energized state.” after the limitation of “ring”.

5. Add new claims 38-63. These new claims are listed below.

38. A lancing device comprising:

(a) a lancet, said lancet having a sharpened tip, and

(b) a torsion spring coupled to said lancet said torsion spring comprising,

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- (i) a closed inner ring,
- (ii) a closed middle ring concentrically configured around said inner ring,
- (iii) a closed outer ring concentrically configured around said middle ring,
- (iv) a first spring arm connecting said middle ring to said outer ring, and (v)  
a second spring arm connecting said inner ring to said middle ring,

wherein, with said second spring arm maintained in its energized state, transformation of said first spring arm from its energized state to its de-energized state serves to drive said lancet from its retracted position to its extended position.

39. The lancing device of claim 38 wherein said first spring arm extends from said middle ring to said outer ring along an arcuate path.

40. The lancing device of claim 39 wherein said second spring arm extends from said inner ring to said middle ring along an arcuate path.

41. The lancing device of claim 40 wherein said second spring arm extends from said inner ring to said middle ring in the opposite direction in which said first spring arm extends from said middle ring to said outer ring.

42. The lancing device of claim 38 wherein each of said first and second spring arms is independently transformable between an energized state and a de-energized state.

43. The lancing device of claim 42 further comprising a housing shaped to define an interior cavity and an opening in communication with said interior cavity.

44. The lancing device of claim 43 wherein said lancet is adapted for movement between a retracted position in which the sharpened tip of said lancet is positioned within the interior cavity of said housing and an extended position in which the sharpened tip of said lancet is positioned outside of the interior cavity of said housing.

45. The lancing device of claim 43 wherein said lancet is disposed in its retracted position when each of said first and second spring arms is in its de-energized state.

46. The lancing device of claim 38 wherein, with said first spring arm maintained in its de-energized state, transformation of said second spring arm from its energized state to its de-energized state serves to drive said lancet from its extended position to its retracted position.

47. The lancing device of claim 38 wherein the inner ring of said torsion spring is fixedly coupled to said housing.

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48. The lancing device of claim 47 further comprising: (a) a lancet holder for holding said lancet, said lancet holder being fixedly coupled to the outer ring of said torsion spring, and (b) a latch for selectively engaging said lancet holder.

49. The lancing device of claim 48 further comprising: (a) a spring holder fixedly coupled to the middle ring of said torsion spring, and (b) a ratchet for selectively engaging said spring holder.

50. The lancing device of claim 49 further comprising a mechanism fixedly coupled to said spring holder for selectively contacting said latch.

51. A lancing device comprising:

(a) a lancet, said lancet having a sharpened tip,

(b) a torsion spring coupled to said lancet said torsion spring comprising,

(i) a closed inner ring,

(ii) a closed middle ring concentrically configured around said inner ring,

(iii) a closed outer ring concentrically configured around said middle ring,

(iv) a first spring arm connecting said middle ring to said outer ring, and (v)

a second spring arm connecting said inner ring to said middle ring,

(c) a spring holder fixedly coupled to the middle ring of said torsion spring, and

(d) a ratchet for selectively engaging said spring holder.

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52. The lancing device of claim 51 wherein said first spring arm extends from said middle ring to said outer ring along an arcuate path.

53. The lancing device of claim 52 wherein said second spring arm extends from said inner ring to said middle ring along an arcuate path.

54. The lancing device of claim 53 wherein said second spring arm extends from said inner ring to said middle ring in the opposite direction in which said first spring arm extends from said middle ring to said outer ring.

55. The lancing device of claim 51 wherein each of said first and second spring arms is independently transformable between an energized state and a de-energized state.

56. The lancing device of claim 55 further comprising a housing shaped to define an interior cavity and an opening in communication with said interior cavity.

57. The lancing device of claim 56 wherein said lancet is adapted for movement between a retracted position in which the sharpened tip of said lancet is positioned within the interior cavity of said housing and an extended position in which the sharpened tip of said lancet is positioned outside of the interior cavity of said housing.

58. The lancing device of claim 57 wherein said lancet is disposed in its retracted position when each of said first and second spring arms is in its de-energized state.

59. The lancing device of claim 58 wherein, with said second spring arm maintained in its energized state, transformation of said first spring arm from its energized state to its de-energized state serves to drive said lancet from its retracted position to its extended position.

60. The lancing device of claim 59 wherein, with said first spring arm maintained in its de-energized state, transformation of said second spring arm from its energized state to its de-energized state serves to drive said lancet from its extended position to its retracted position.

61. The lancing device of claim 51 wherein the inner ring of said torsion spring is fixedly coupled to said housing.

62. The lancing device of claim 61 further comprising: (a) a lancet holder for holding said lancet, said lancet holder being fixedly coupled to the outer ring of said torsion spring, and (b) a latch for selectively engaging said lancet holder.

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63. The lancing device of claim 51 further comprising a mechanism fixedly coupled to said spring holder for selectively contacting said latch.

6. The following is an examiner's statement of reasons for allowance: The prior art of record does not appear to disclose or suggest a motivation to combine a lancet device comprising: a lancet, said lancet having a sharpened tip, and a torsion spring coupled to said lancet said torsion spring comprising, (i) a closed inner ring, (ii) a closed middle ring concentrically configured around said inner ring, (iii) a closed outer ring concentrically configured around said middle ring, (iv) a first spring arm connecting said middle ring to said outer ring, and (v) wherein each of said first and second spring arms is independently transformable between an energized state and a de-energized state

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN V. NGUYEN whose telephone number is (571)272-5962. The examiner can normally be reached on M-F: 9:00 AM - 5:30 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./

Examiner, Art Unit 3731

/Todd E Manahan/

Supervisory Patent Examiner, Art Unit 3731